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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,007	09/30/2004	Andreas Burgstaller	BURGSTALLER ET AL I PCT	9849
25889	7590	11/30/2006	EXAMINER ABOAGYE, MICHAEL	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			ART UNIT 1725	PAPER NUMBER

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/510,007	<b>Applicant(s)</b> BURGSTALLER ET AL.	
	<b>Examiner</b> Michael Aboagye	<b>Art Unit</b> 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-9 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 7-9 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeCoster et al. (US Patent No. 6103994) in view of Davis et al. (US Patent No. 5343016).

Regarding claims 7 and 14, DeCoster et al. discloses a method for setting a parameter for external welding devices, wherein a set of welding parameters are selectable and settable using different operating elements and display elements

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provided on the welding apparatus (see the output control selectors {112, 114, 116, 118, etc} in figure 2); a memory ("18", figure 2) stores various configurations of parameters which can be invoked by a plurality of memory selectors (see, "90, 92, 94, and 95" in figure 2); a multipurpose displays ( see, "52 & 54" in figure 2) used for evaluating signals received from external operating units of external components and allocating said signals to at least one of said set of welding parameters (in this instant Voltage (V) and current (I) are displayed, see column 4, lines 59-67, and column 5, lines 39-48). Decoster et al. also teaches such as a remote control (interpreted by examiner as an external component) for setting or adjusting the selected welding parameter on an external operating unit such as unit "20", power source and "11", shielding gas to effect changes in the welding process (see figure 2).

Regarding claims 8 and 13, the set of memory selectors "90, 92, 94, and 96" allows the operator to save in the memory "18" various configurations of the parameter selectors. Each of the memory selectors can be pressed to recalled from the said memory a set of previously selected or programmed operating parameter to a control circuit "16" and communicated to the control panel "50" for display to the operator and allows for adjustments to be made (column 6, lines 12-20). (note the limitations calling for "recalling from memory a set of previously selected programs meets the claimed limitations "invoking and renewed activation" recited in claim 8, note also that the limitation "various configuration" as recited by Decoster et al. means each control program can be invoke a plurality of times, as recited in claim 13).

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Regarding claim 9, DeCoster et al. teaches selecting and allocating a plurality of welding parameters; said welding parameters including welding current, preflow and post flow shielding gas (column 6, lines 21-40).

Regarding claim 12, DeCoster et al. teaches the step of transmitting any changes of the external operating units to the welding apparatus (see column 7, lines 34-44).

Dacoster et al. does not expressly teach a computer controlled sensing means for evaluating signals.

However Davis et al. discloses a microprocessor or program controlled welding apparatus. In particular Davis in figure 1 shows an element "62", a computer controlled sensing element for evaluating current and voltage and allocating said signals to the welding lead "81" in order to ensure more accurate control of the welding conditions and eliminate the time delays which can occur if the current or the voltage is sensed through an inductive means (Davis et al. figure 1, column 7, lines 7-20).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made in to have used a computer controlled sensing element in the apparatus of DeCoster et al. for sensing, evaluating, allocation current and voltage provided on the welding apparatus in order to ensure more accurate control of the welding conditions and eliminate the time delays which can occur if the current or the voltage is sensed through an inductive means (Davis et al. figure 1, column 7, lines 7-20).

### ***Response to Arguments***

4. The examiner acknowledges the applicants' amendments received by the USPTO on September 26, 2006. Claims 1-6 and 10-11 have been cancelled, claims 13

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and 14 have been added therefore claims 7-9 and 12-14 are currently under consideration in the application.

5. Applicants' arguments filed September 26, 2006 have been fully considered but they are not persuasive.

With respect to the applicants' remarks/arguments that DeCoster et al. does not disclose a device having an external component that receives instruction from a central unit, it is noted that DeCoster et al. in figure 1, shows two external components power source "20" and shielding gas source "11" interfaced with and receives instructions from a central control unit "12".

With respect to the applicant's argument that DeCoster et al. does not disclose a control program, It is noted that figure shows control programs "90, 92, 94 and 96" which can be invoked from the memory "18".

With respect to the applicant's argument that DeCoster et al. does not disclose a system that evaluates signal received from an external operating unit, it is noted that DeCoster et al. shows in figure 2 the units "52 and 54" which display voltage and current. Note that to display said voltage and current, respective signal needs to be received by the respective Units from an external operating unit. Furthermore the units evaluate said respective signals in order to display them.

What is not expressly disclosed by the teachings of DeCoster et al. is a controlled sensing means for evaluating signals from an external operating unit. However Davis et al. teaches said controlled sensing means element "62" for sensing and evaluating current and voltage; and allocating said signals to the welding lead "81"

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in order to ensure more accurate control of the welding conditions and eliminate the time delays. It therefore noted that Davis et al. provides the remedy for the deficiency in DeCoster et al. device.

The applicant further argues that Davis et al. does not teach selecting and allocation welding parameters to an external operating unit, It is noted that the teachings of DeCoster et al. on it's merit meets the claimed limitations and therefore the examiner respectfully disagrees with such characterization by the applicant.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Aboagye whose telephone number is 571-272-8165. The examiner can normally be reached on Mon - Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Assistant Examiner  
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11/25/2006

KEVIN KERNS  
PRIMARY EXAMINER

Kevin Kerns 11/27/06